

ENTERED

May 20, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

THE ESTATE OF CYNTHIA TISDALE, §
 DECEASED, BY AND THROUGH §
 EXECUTRIX AUTUMN TISDALE, AND §
 ON BEHALF OF ALL PERSONS §
 ENTITLED TO RECOVER FOR HER §
 DEATH UNDER THE TEXAS §
 WRONGFUL DEATH ACT, *et al*, §

Plaintiffs, §

VS. §

CIVIL ACTION NO. 3:20-CV-140

ANTONIOS PAGOURTZIS, *et al*, §

Defendants. §

ORDER


Defendants Luckygunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhur and Dustin Gross (the “Removing Defendants”) filed Rule 12(b) motions to dismiss without first following this Court’s local Rule 6, titled, “Special Requirement for Motions under Rule 12(b).”

The plaintiffs have notified the court that they intend to file a motion to remand the case to state court by June 1, 2020, and that they intend to amend their complaint, if their motion is not granted. See Dkt. 14. The plaintiffs seek an order staying the Removing Defendants’ motions to dismiss, and leave to file their amended complaint after a decision on their forthcoming motion to remand is rendered, or, in the alternative, to file an amended complaint within 14 days.

Briefing on the Removing Defendants’ motions to dismiss is stayed. The plaintiffs are to file an amended complaint within 14 days of this court’s decision on the Plaintiffs’ motion to remand. The defendants may then either (i) file an

answer to the amended complaint; or (ii) re-file motions to dismiss the amended complaint.

SIGNED on Galveston Island this 20th day of May, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE